

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

2006 SEP 12 PM 4:53

CLERK, U. S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY ✓
DEPUTY CLERK

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

V.

MCCOMBS PONTIAC-GMC TRUCK, LTD.,

Defendant.

SA06CA0775 OG
Civil Action No.

Civil Action No.

COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, female and to provide appropriate relief to Griselda Martinez, who was adversely affected by such practices. More specifically, the Equal Employment Opportunity Commission (the "Commission") alleges that Griselda Martinez was subjected to unlawful discrimination when she was terminated from her position as a Finance Director with Defendant, McCombs Pontiac-GMC Truck, Ltd. (hereinafter "McCombs"), because of her sex.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Texas, San Antonio Division.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant McCombs, has continuously been a partnership doing business in the State of Texas and the City of San Antonio, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant McCombs has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Griselda Martinez filed a charge with the Commission alleging violations of Title VII by Defendant McCombs. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about May 10, 2005, Defendant McCombs engaged in unlawful employment practices at its San Antonio, Texas facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), in that Defendant, McCombs discriminated against Griselda Martinez by discharging her from the position of Finance Director because of her sex, female.

8. The effect of the practices complained of in paragraph seven above has been to deprive Griselda Martinez of equal employment opportunities and to otherwise adversely affect

her status as an employee because of her sex, female.

9. The unlawful employment practices complained of in paragraph seven above were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Griselda Martinez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant McCombs, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in conduct which results in discharge because of sex or any other employment practice which discriminates on the basis of sex;
- B. Order Defendant McCombs to institute and carry out policies, practices, and programs, which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant McCombs to make whole Griselda Martinez by providing appropriate back pay with prejudgment interest, in an amount to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to reinstatement of Griselda Martinez or front pay in lieu thereof;
- D. Order Defendant McCombs to make whole Griselda Martinez by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including, but not limited to, relocation expenses, medical expenses and job search expenses, in an amount to be determined at trial;

E. Order Defendant McCombs to make whole Griselda Martinez by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including, but not limited to, emotional pain and suffering, humiliation, anxiety, inconvenience, mental anguish, and loss of enjoyment of life, in an amount to be determined at trial;

F. Order Defendant McCombs to pay Griselda Martinez punitive damages for its malicious and/or reckless conduct described in paragraph seven above, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

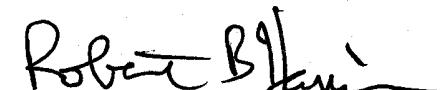
Respectfully submitted,

RONALD S. COOPER
General Counsel

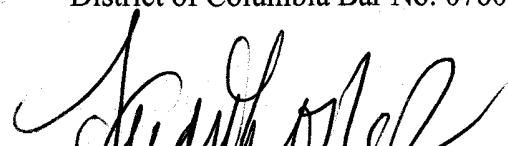
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